



MEMORANDUM

Agenda Item No. 11(A)(16)

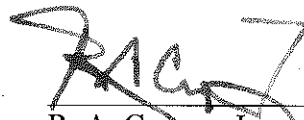
TO: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

DATE: September 4, 2012

FROM: R. A. Cuevas, Jr.
County Attorney

SUBJECT: Resolution urging the Florida Legislature to simplify the current civil penalty procedures for toll violations; urging the Florida Legislature to authorize the Florida Department of Transportation, the Florida Department of Highway Safety & Motor Vehicles and expressway authorities to use email addresses for transmitting toll invoices and toll violations; urging such entities to better educate the public about the importance of keeping address information current related to Sunpass, Toll-By-Plate and toll violations

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Rebeca Sosa.



R. A. Cuevas, Jr.
County Attorney

RAC/cp

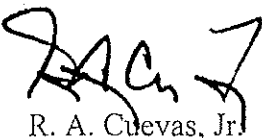


MEMORANDUM

(Revised)

TO: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

DATE: September 4, 2012

FROM: 
R. A. Cuevas, Jr.
County Attorney

SUBJECT: Agenda Item No.11(A)(16)

Please note any items checked.

- ☐ "3-Day Rule" for committees applicable if raised
- ☐ 6 weeks required between first reading and public hearing
- ☐ 4 weeks notification to municipal officials required prior to public hearing
- ☐ Decreases revenues or increases expenditures without balancing budget
- ☐ Budget required
- ☐ Statement of fiscal impact required
- ☐ Ordinance creating a new board requires detailed County Manager's report for public hearing
- ☒ No committee review
- ☐ Applicable legislation requires more than a majority vote (i.e., 2/3's ____, 3/5's ____, unanimous____) to approve
- ☐ Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

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Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 11(A)(16)
9-4-12

RESOLUTION NO. _____

RESOLUTION URGING THE FLORIDA LEGISLATURE TO SIMPLIFY THE CURRENT CIVIL PENALTY PROCEDURES FOR TOLL VIOLATIONS; URGING THE FLORIDA LEGISLATURE TO AUTHORIZE THE FLORIDA DEPARTMENT OF TRANSPORTATION, THE FLORIDA DEPARTMENT OF HIGHWAY SAFETY & MOTOR VEHICLES AND EXPRESSWAY AUTHORITIES TO USE EMAIL ADDRESSES FOR TRANSMITTING TOLL INVOICES AND TOLL VIOLATIONS; URGING SUCH ENTITIES TO BETTER EDUCATE THE PUBLIC ABOUT THE IMPORTANCE OF KEEPING ADDRESS INFORMATION CURRENT RELATED TO SUNPASS, TOLL-BY-PLATE AND TOLL VIOLATIONS

WHEREAS, SunPass is the State of Florida's prepaid toll program which can be used on most toll roads and bridges in Florida, including toll roads operated by Florida's Turnpike, the Miami-Dade Expressway Authority and other expressway authorities around Florida; and

WHEREAS, Toll-By-Plate is an image based electronic toll collection system that uses photographic images of vehicle's license plate to identify the customer responsible for payment that is available on the Homestead Extension of Florida's Turnpike from Florida City to the Miami-Dade County Broward County line, as well as on State Road 924/Gratigny Parkway, State Road 874/Don Shula Expressway and State Road 878/Snapper Creek Expressway, under the jurisdiction of the Miami-Dade Expressway Authority; and

WHEREAS, the first-listed registered owner of a vehicle using Toll-By-Plate receives an invoice in the mail for toll amounts and a \$2.50 administrative charge; and

WHEREAS, if the Toll-By-Plate invoice is not paid within 30 days, multiple late notices are mailed out, followed by the invoice being referred to a collection agency; and

WHEREAS, section 338.155, Florida Statutes, requires the payment of prescribed tolls for the use of any toll road or bridge in the State of Florida, whether by SunPass, Toll-By-Plate or cash at a toll booth; and

WHEREAS, section 316.1001, Florida Statutes, provides that failure to pay a prescribed toll is a noncriminal traffic infraction, punishable as a moving violation under Chapter 318, Florida Statutes; and

WHEREAS, vehicle owners generally receive multiple late notices by mail, and unpaid tolls are referred to a collection agency before a driver is cited for failure to pay prescribed tolls; and

WHEREAS, section 318.14, Florida Statutes, provides that once a person is cited for violating section 316.1001, the person has the option to pay a fine of \$25 plus the amount of the unpaid toll that is shown on the traffic citation within 30 days of the citation; and

WHEREAS, if a person does not pay the \$25 fine pursuant to section 318.14, Florida Statutes, section 318.18 provides that a person a person cited for violating section 316.1001 may elect to pay a fine of \$30 plus the amount of the unpaid toll, otherwise a person cited for violating section 316.1001 is required to pay a mandatory fine of \$100 plus the amount of the unpaid toll; and

WHEREAS, if a person fails to comply with the requirements of section 318.18, the Florida Department of Highway Safety & Motor Vehicles enters an order suspending the driver's license and privilege to drive effective 20 days thereafter pursuant to section 318.15, Florida Statutes, and also will prohibit a vehicle owner from renewing license plates and vehicle registration until the violations and fines are paid; and

WHEREAS, situations have arisen where people have faced hundreds of dollars in fines, suspended driver's licenses and an inability to renew license plates and vehicle registrations based on toll violations, SunPass problems or Pay-By-Toll problems; and

WHEREAS, according to one press account, Florida's Turnpike Authority has received more than 16,455 emails complaining about incorrect SunPass charges and related toll violations; and

WHEREAS, SunPass provides a convenience to drivers, but it properly functions only when a number of factors are all in place, including:

- There is accurate license plate information on a SunPass account;
- There are adequate funds available in a SunPass account to pay a toll;
- If there is a credit attached to the SunPass account for replenishment, the credit card has not expired;
- The SunPass transponder is mounted on the windshield correctly; and
- The batteries in the SunPass transponder don't need to be replaced; and

WHEREAS, if there is a problem with any one of these factors, then, despite having a SunPass account and transponder, toll violations may be issued; and

WHEREAS, when a person gets new license plates or a new credit card, the person immediately must report this information to SunPass in order to avoid possible toll violations; and

WHEREAS, SunPass and Toll-By-Plate both additionally require a current address to be on file with the State of Florida, as all correspondence for either toll invoices or toll violations are mailed to the first-listed registered owner of a vehicle or addresses listed on driver's licenses; and

WHEREAS, when a vehicle owner moves to a new address, the vehicle owner must report the address change to the state, otherwise toll SunPass, Toll-By-Plate and other toll violations may not reach the driver; and

WHEREAS, in some cases, a vehicle owner that does not have a current address on file can have a suspended license based on toll violations and not be aware of the situation; and

WHEREAS, many people often change email addresses less frequently than they change their home address; and

WHEREAS, given how often many people move, it would make sense to explore email as a means of notifying people of toll violations; and

WHEREAS, the current civil penalty procedures for toll violations associated with SunPass, Toll-By-Plate and toll violations is complex, and the Florida Legislature should simplify it; and

WHEREAS, the Florida Legislature also should authorize the Florida Department of Transportation, the Florida Department of Highway Safety & Motor Vehicles and expressway authorities to use email addresses for transmitting toll invoices and toll violations; and

WHEREAS, the Florida Department of Transportation, the Florida Department of Highway Safety & Motor Vehicles and expressway authorities should better educate people of the importance of keeping address information current related to SunPass, Toll-By-Plate and toll violations,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board:

Section 1. Urges the Florida Legislature to simplify the current civil penalty procedures for toll violations, including toll violations associated with SunPass and Toll-By-Plate.

Section 2. Urges the Florida Legislature to authorize the Florida Department of Transportation, the Florida Department of Highway Safety & Motor Vehicles and expressway authorities to use email addresses for transmitting toll invoices and toll violations.

Section 3. Urges the Florida Department of Transportation, the Florida Department of Highway Safety & Motor Vehicles and the Miami-Dade Expressway Authority to better educate people about the importance of keeping address information current related to SunPass, Toll-By-Plate and toll violations, including a public information campaign.

Section 4. Directs the Clerk of this Board to send a certified copy of this resolution to the Governor, Senate President, House Speaker, the Chair and Members of the Miami-Dade State Legislative Delegation, the Secretary of the Florida Department of Transportation, the Executive Director of the Florida Department of Highway Safety & Motor Vehicles and the Executive Director of the Miami-Dade Expressway Authority.

Section 5. Directs the County's state lobbyists to advocate for the passage of the legislation and actions set forth in sections 1 through 3 above, and authorizes and directs the Office of Intergovernmental Affairs to include this item in the 2013 State Legislative Package when it is presented to the Board.

The Prime Sponsor of the foregoing resolution is Commissioner Rebeca Sosa. It was offered by Commissioner _____, who moved its adoption. The motion was seconded by Commissioner _____ and upon being put to a vote, the vote was as follows:

Joe A. Martinez, Chairman	
Audrey M. Edmonson, Vice Chairwoman	
Bruno A. Barreiro	Lynda Bell
Esteban L. Bovo, Jr.	Jose "Pepe" Diaz
Sally A. Heyman	Barbara J. Jordan
Jean Monestime	Dennis C. Moss
Rebeca Sosa	Sen. Javier D. Souto
Xavier L. Suarez	

The Chairperson thereupon declared the resolution duly passed and adopted this 4th day September, 2012. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By: _____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.



Jess M. McCarty

